

REMARKS

At the outset, Applicants thank the Examiner for reviewing and considering the pending application. The Office Action mailed May 1, 2008 has been received and its contents reviewed.

No claims have been amended. Claims 1-5 are currently pending. Reconsideration of the pending claims is respectfully requested.

The Office objects to the Abstract. *Office Action* at ¶ 2. While not necessarily agreeing with the Office, Applicant nevertheless amends the Abstract to improve its clarity and conciseness, in an effort to advance prosecution of the application. Accordingly, Applicant respectfully requests withdrawal of the objection to the Abstract.

The Office rejects claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0056225 (hereinafter *Bione*) in view of U.S. Patent U.S. Patent No. 6,570,524 to Mullaly *et al.* (hereinafter *Mullaly*) and in view of U.S. Patent Application Publication No. 2006/0004920 (hereinafter *Hallenbeck*). *Office Action* at ¶ 3. Applicants respectfully traverse this rejection.

Bione, *Mullaly*, and *Hallenbeck*, taken singularly or in combination, fail to teach or suggest, at least, “generating a file by the input control data such that a format of the generated file depends on a manufacturer of an appliance.”

As admitted by the Office, *Bione* and *Mullaly* fail to teach, at least, “generating a file ... depends on the manufacturer of the appliance” as recited in independent claim 1. *Office Action* at ¶ 7. Thus, the Office relies upon *Hallenbeck* to disclose at least this features. In particular, the Office cites ¶ 0008, lines 1-8 and FIG. 7 of *Hallenbeck* to validate its arguments. Applicant respectfully disagrees with the Office’s reliance on *Hallenbeck*, as *Hallenbeck* also fails to teach, at least, “generating a file ... depends on the manufacturer of the appliance” as recited in independent claim 1.

Hallenbeck discloses a distributed, packet-based premises automation system, in which the system can include multiple, distributed, processor-based input/output (I/O) units. *See*

Hallenbeck at Abstract. *Hallenbeck*'s FIG. 1 is a network diagram of his premises automation system. I/O units (e.g., 100, 101, 102, and 103) are described as having "a unique unit number so that all the I/O [units] in the system can be uniquely addressed." *Hallenbeck* at ¶ 0029, lines 7-8. Furthermore, each input and output of a given I/O unit has its own unique number within that I/O unit. *See id.* at lines 8-12. *Hallenbeck* is strictly concerned with getting data to and from input and output ports of each I/O unit in his plurality of I/O units. He speaks only in generalities as to the apparatus that connects to the I/O units. *See, e.g., Hallenbeck* at ¶ 0035. Using *Hallenbeck*'s nomenclature, "things" are connected to and manipulated by the I/O units. "Thus, all 'things' manipulated by the system have a unique identifier[, that being the unique identifier of the I/O unit to which it is connected]." *Id.* at ¶ 0029, lines 15-16.

Hallenbeck never provides detail about the generation of files used to control the "things" (a.k.a., apparatus) connected to his I/O units. The format of communications described by *Hallenbeck* is a format that allows "an input or output [of a unique I/O unit] to be distinguished within a plurality of distributed inputs or outputs, as the case may be." *Id.* at ¶ 0029, lines 33-36. *Hallenbeck* describes a format that is independent of the apparatus connected to his I/O units. *Hallenbeck*'s described I/O unit data format is entirely disassociated with the manufacturers of apparatus connected to the I/O units.

The Office, however, cites ¶ 0008, lines 1-8 and FIG. 7 of *Hallenbeck* as support for its assertion. To the best of Applicant's understanding, the Office explains that a received packet has a given format. *Office Action* at ¶ 7. "The packet has a unique output identifier, 701, that has a specific type. Field 702 contains instruction for the desired change of the output specified by the unit number and output number in field 701." *Id.* (citing *Hallenbeck* at ¶ 0052, lines 1-7). The Office supposes that these few words, taken out of the context of the paragraph from which they were plucked, would lead one of skill in the art to combine *Bione* and *Mullaly* to arrive with, at least the element of, "generating a file by the input control data such that a format of the generated file depends on a manufacturer of an appliance," as recited in independent claim 1.

Applicant disagrees. Paragraph 0008 of *Hallenbeck* simply reiterates that an "I/O unit according to the invention, can receive a packet that is formatted to direct a change in a state of the output [of the I/O unit]." *Id.* The format of the "packet uniquely identifies the output with an output identifier, and also communicates the change in state [of the output]." *Id.* To the

extent that a “packet” can be construed as a “file,” *Hallenbeck* is formatting the packet for communication with and control of a unique I/O unit, not the apparatus attached to the I/O unit. See ¶ 0008.

At least for the above-stated reasons, *Hallenbeck* does not teach or suggest, in ¶ 0008, in FIG. 7, or anywhere in its disclosure, at least, “generating a file ... depends on the manufacturer of the appliance” as recited in independent claim 1. *Hallenbeck* does not distinguish between different types of appliances and therefore does not disclose any differences in I/O unit data format based on “a manufacturer of an appliance.”

For at least the aforementioned reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable over *Bione*, *Mullaly*, and *Hallenbeck*. Likewise, claims 2-5, which depend from independent claim 1, are also patentably distinguishable for at least the same reasons. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of the claims be withdrawn.

CONCLUSION

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the

filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: July 31, 2008

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